

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TERRI MCNEILL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-09-957-L
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

ORDER

On May 13, 2010, Magistrate Judge Doyle W. Argo entered his Report and Recommendation in this action brought by plaintiff for judicial review pursuant to 42 U.S.C. §405(g) of the defendant Commissioner's final decision denying plaintiff's application for disability insurance benefits. The Magistrate Judge recommended that the decision of the defendant Commissioner be affirmed.

The court file reflects that plaintiff has filed her Objection to the Report & Recommendation, which the court has carefully considered. Plaintiff refers to many of the same arguments previously considered and rejected by the Magistrate Judge. Upon review of petitioner's objections, the court finds that they are insufficient to justify overturning the conclusions of the Magistrate Judge. The Magistrate Judge properly found that the Administrative Law Judge ("ALJ") noted plaintiff's Global Assessment Functioning ("GAF") scores and gave clear reasons for not according them weight. As for plaintiff's contention that the ALJ

failed to properly evaluate plaintiff's credibility, the Magistrate Judge properly noted that the ALJ did not rely exclusively on plaintiff's failure to follow directions to quit smoking. The court concludes that the Magistrate Judge properly found that the administrative law judge's credibility analysis was sufficient and supported by substantial evidence. The Magistrate Judge's analysis of plaintiff's argument that the ALJ failed to give proper weight to the opinions of the treating physicians is extremely thorough, and the court finds no error in the Magistrate Judge's rejection of this argument. The Magistrate Judge also was correct in his conclusion that the ALJ's findings with respect to plaintiff's Residual Functional Capacity ("RFC") are supported by substantial evidence.

The Magistrate Judge properly found that the record provides substantial evidence to support the decision to deny plaintiff's application for disability insurance benefits. Thus, upon *de novo* review, the court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, the decision of the Commissioner is **AFFIRMED**.

It is so ordered this 22nd day of July, 2010.



TIM LEONARD
United States District Judge